R. File No. 24

1940

Collection No.

Mysore Residency
Bangalore

Pros. / Serial Nos. 156

Subject.

Tyre Rationing —

Powers to Area Rationing Authority to inspect often the tyres for re-treading.

Previous References.

Later References.

L 87 (Buff).

S. S. P. Ld.—Pt. Order No. 6868/H-21—Dated 2-7-42—13,00,000.

F-24(8)-42.
cf HS

D.N.2105. S.N.

'Can I issue such a supplementary order?'
D.M.F. 24/2.

1 It is very doubtful whether such a supplementary order can be issued by the Hon'ble the Resident. The Tyre Rationing Order was issued by the Central Govt. under 81(2) of the Defence of India Rules. Please see the order at flag 'O'. It was applied to the Station by the Crown Representative. Please see pages 4 to 6 of flag 'A'. Hence in so far as the main order is itself not one issued by the H.R. there can be no question of his supplementing anything already done.

2 81(2) of the Defence of India Rules empowers the Central Govt. or the Provl. Govt. alternately. It vests concurrent powers to make orders in both. But when once the Central Govt. has chosen to exercise the same with reference to particular subject by promulgating an order, (in this case it is with reference to tyres) which purports to be prima facie exhaustive on the subject dealt with, and when this has been specially applied to the Administered Areas by H.E. the C.R. it would not perhaps be proper for the Provl. Govt. (i.e. the H.R.) to exercise its (his) powers for legislating on the same matter without at least his prior approval. The appropriate course would be to ask the C.R. to move the Central Govt. to amend the Tyre Rationing Order itself, if found defective, and not issue a separate order under the Defence of India Rules. The possibility of any such amendment being undertaken at the instance of a small administration is remote, unless major provinces have experienced the ~~same~~ difficulty pointed out by the Collector.

Apart from this it is also ~~really~~ doubtful whether this proposed supplementary order is really supplementary in character. Clause 20 of the Tyre Rationing Order permits the inspection of tyres of applicants to see whether all or any of them could not be retreaded and also to ascertain whether retreaded or new tyres are to be prescribed. Clause 8 of the order empowers the Area Rationing Authority to issue permits for retreaded tyres only, notwithstanding that the application is one ~~x~~ for new tyres. Thus an Area Rationing Authority can do either ~~xx~~ of the three following things:- i) issue permits for new tyres ii) issue permits for retreaded tyres iii) issue permits for getting retreaded the used tyres. But he can do either of these things only with reference to an application. The Commr. of Police now wants that he should be empowered to require the production of any transport vehicle, as often as may be required, for inspecting its tyres and also to compel any owner of such a vehicle to get his tyres retreaded. This seems to be a departure from the order.

'Transport vehicles' include taxies and lorries. Under proviso (iv) to clause 14 of the order no permits are necessary for getting giant tyres retreaded. This has been specifically left uncontrolled. Perhaps the process is considered uneconomical with regard to this type of tyres. Whatever be the reason with which Govt. of India have chosen not to control retreading of this type of tyres, it would be running counter to their policy to control this which has been specifically exempted. In both these respects the proposed order does not seem to supplement the main order, but appears to exceed the scope of the order.

Under 89(2)(d) of the Defence of India Rules orders can be issued empowering the Commr. of Police to require the production of any vehicle for purposes of general inspection. But it would be a deviation from the Order if he is empowered to require the owners of all transport vehicles to ~~gk~~ get their tyres retreaded, without their having applied for the same. In the circumstances it is doubtful if H.R. can issue the order asked for.

The Collector and the Commr. of Police may see file u/o for favour of remarks. Perhaps they might also ascertain what is being done in Madras to get over this difficulty.

A

(From page 1)

5.3.43.

1/L 6.3.43

Through D.C. HC 6/3/43.

Secy

H.R. to see with reference to his question on p.n.c. After which papers may go again to Collector & C. of P. in case they have anything further to suggest.

6.3.43

Resident.

Suggestion at A is a practical one.

6/3

Collector.

6.3.43

U/o. No. R.F. 24(6)-40 dy A. dated 9-3-43. P.

THE COLLECTOR & DISTRICT MAGISTRATE SALEM
17 MAR. 1943
No. 914-4-43.
B & M. STATIONERY

THE COLLECTOR & DISTRICT MAGISTRATE SALEM
11 MAR. 1943
No 914/P/43.
B & M. STATIONERY

T39/aRA(TN)/43
16.3.43.

Seen thanks. I am much [illegible] matter that can [illegible], in my opinion, be carried out as far as possible - this being one of the major problems of the moment; & I suggest it is worth while putting it up to Govt., or acting on our own initiative & seeing what happens. Food and [illegible] will not win the war.

Returned.

Provincial Rationing Officer, Madras has been addressed regarding the above, vide my No.914-P-43, dated the 14th March 1943(Copy enclosed).

The matter may perhaps be taken up with the Government of India, as it is a question of saving rubber which appears to be urgently necessary now.

By order,
SHERISTADAR.

(SD) H.H.CARLESTON.
COLLECTOR AND P.R.A.

The Secretary to the Hon'ble the Resident in Mysore, Bangalore
U. O. No.914-P-43, dated the 17th March 1943.

OFFICE OF THE HON'BLE THE RESIDENT IN MYSORE, BANGALORE
23 MAR 1943
Diary No. 3075

18 MAR.1943

Please see from para 6 ante.

On receipt of a reply from the Provincial Rationing Officer, Madras, to the Collector's letter at cp.3, the question may be referred to the Govt. of India, if necessary

(from para 6)

D.No.3990. S.N.3.

Please see paras 10 and 11 of these notes and cp.3.

The Collr. may be asked to forward to this Residency the Madras Provincial Rationing Officer's reply to his letter at cp.3.

Draft submitted.

(Para 12)

D.No.4620. S.N.5.

Please see cp. 1 to 5. and paras 6 to 12 of these notes.

From the PUC it is seen that the matter in question is under the consideration of the Govt. of Madras. Their final decision may be awaited.

The Collr. may be asked to obtain the final decision of the Madras Govt. in the matter and communicate it to this Residency in due course.

Draft submitted.

11.5.43.

12.5.43

11.5.43

Secy.

Issued (SN.6)

Spare Copy SN.1 (1.

OFFICE OF THE COMMISSIONER OF POLICE,
CIVIL AND MILITARY STATION, BANGALORE.

No. T.39/ARA(TV)/43. *Dated* 16th February, 1943.

FROM

J. M. Green, Esquire, I.P.,
COMMISSIONER OF POLICE, & Area Rationing Authority (T.V)
CIVIL AND MILITARY STATION,
BANGALORE.

To

THE PROVINCIAL RATIONING AUTHORITY,
Civil & Military Station, BANGALORE.

SIR(S),

TYRE RATIONING.

Experience has shown that owners of Transport Vehicles are not inclined to ask for permits to re-tread tyres at a stage when this can be satisfactorily done, but run their tyres until they are worn out and useless and then apply for new tyres. This appears to be uneconomical, and in my opinion it is necessary that inspection of tyres should be more frequent, so that orders may be issued to owners of Transport Vehicles to get tyres retreaded whilst they are still fit for it.

2. There are two points involved.
I can issue orders under Sec.89(2)(d) for the vehicles to be produced.
But clause XX of the Tyre rationing order is permissive and only give power in respect of applications. The Tyre Rationing Order does not give power to the Rationing Authority to order any tyre to be retreaded, unless an application has been received.

3. The Provincial Government has power to act under Sec.81 of the Defence of India Rules, under which the Tyres Rationing Order is made, and I would therefore suggest a supplementary Order under this Section authorising the Area Rationing Authority (i) to require the production of any Transport

P.T.O.

Transport vehicle so often as may be necessary, for the inspection of its tyres, and (ii) to order that any Tyre of a Transport Vehicle shall be removed from such vehicle, sent to a Supplier or Retreader to be retreaded, and not used on any vehicle until it has been either retreaded, or replaced by a Supplier or Retreader, or condemned by competent authority as unserviceable.

I have the honour to be,
Sir,
Your most obedient servant,

AREA RATIONING AUTHORITY (T.V).

csk.

OFFICE OF THE
24 FEB 1943
Dia. No. 2105
File

No.914-P-43. II URGENT.

Forwarded to the Secretary to the Hon'ble the Resident in Mysore, Bangalore.

No permits are necessary for the retreading of giant tyres, vide clause 14(iv) of the Tyre Rationing Order, 1942. But the inspection of tyres on Transport Vehicles (including taxis) on and often and passing of orders to get tyres retreaded would lessen the demands for new tyres. A supplementary order under section 81 of the Defence of India Rules may, therefore, be issued urgently authorising the Area Rationing Authority(T.V.)., to require the production of any Transport vehicle (including taxis) as often as may be necessary, for the inspection of its tyres and for passing orders thereon.

By order,

(SD) H. H. CARLESTON.

SHERISTADAR. ESPATCH COLLECTOR AND P.R.A.

23 FEB.1943

S.N.2

Copy of letter No.914-P-43, dated the 14th March 1943, from the Collector & Provincial Rationing Authority, C & M. Station, Bangalore, to the Provincial Rationing Officer, Madras.

TYRE RATIONING - retreading of giant tyres.

I have the honour to forward herewith a copy of letter No.T.39/ARA(TV)/43, dated the 16th February 1943, from the Area Rationing Authority (T.V.)., C & M. Station, Bangalore, regrading the above. No permits are necessary for the re-treading of giant tyres, vide clause 14(iv) of the Tyre Rationing Order, 1942. But inspection of tyres on transport vehicles (including taxis), on and often, and passing of orders to get tyres retreaded woudd lessen the demands for new tyres.

I request you kindly to let me know the procedure adopted in your province to get over the above difficulty.

" C O P Y "

M. Krishnaiyer

SHERISTADAR.

18/3.

No. 914-P-43. Mr. P.N. [illegible]

OFFICE OF THE COLLECTOR & P.R.A.,
CIVIL AND MILITARY STATION,
BANGALORE, the 12th April 1943.

SUBJECT- Jagre Kahanuga - inspection of all transport dyers by C.I.P.
* Para 10 of note. authorising of further duty U.O.No.914-P-43 dt. 17.3.43.

I invite a reference to the correspondence quoted above and request ~~an early reply, let me know when a reply may be expected~~/ let me know at what stage the matter stands.

[illegible]
12 APR. 1943
To 3990

M. Seebaraffz
for COLLECTOR & P.R.A.

The Secretary to the Hon'ble the Resident in Mysore, Bangalore.

Issued on 19/4 GO

17.4.43

15

No.RF.24(8)-40/G.&A. D/ 18th April 43.

From

The Secy. to the Resident.

To

The Collector & Provincial Rationing Authority, C.& M.Station, Bangalore.

Subject:- Tyre Rationing - powers to the Commr. of Police & Area Rationing Authority, C. & M.Station, Bangalore, to inspect all transport tyres.

Sir,

I am directed to refer to your memo.No.914-P-43, dated the 12th April 1943, and to request that a copy of the reply from the Provincial Rationing Authority, Madras, to your letter No. 914-P-43, dated the 14th March 1943, may kindly be forwarded to this Residency. On receipt of this, the Govt. of India will be addressed

Up. 4 pone

Up. 3(5)

6

addressed, if necessary.

I have, etc.,

.. 17.4.43

Secy. to the Resident.

16/4/43. ----

16.4.43

17-4-43

(7)

Copy of letter No.4738-A3, dated 20-4-1943, from the Provincial Rationing Officer, Madras.

Sub: TYRE RATIONING - Retreading of giant tyres.

Ref: Your letter 914-P-43, dated 14-3-43.

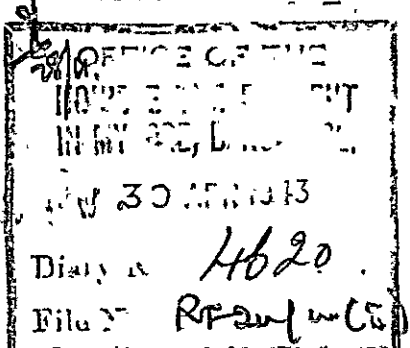
I have the honour to inform you that there are no orders in force now compelling owners of transport vehicles to retread such of their tyres which have reached the stage of retreading. This matter is under consideration.

No.914-P-43. II 22-4-1943.

Copy forwarded to the Secretary to the Hon'ble the Resident in Mysore, Bangalore, for favour of information with reference to his letter No.R.F. 24(8)-40/G&A, dated 18-4-1943.

for COLLECTOR AND P.R.A.

29 APR.1943



CEIPTS OF MOTOR SPIRITS.

.....

Previous balance for stock.	TOTAL.

18

DEPARTMENT.

BRANCH.

File No.

Serial No.

Draft Letter / Memorandum / Telegram

40/G&A.

NoRF.24(8)- Dated 13th May 1943.

From

The Secy. to the Resident.

Class for telegrams — INLAND: Immediate / Important / Express / Ordinary | FOREIGN: Immediate / Important / Ordinary / Without priority

To be issued on

Issued on

1st Reminder

2nd Reminder

3rd Reminder

Heading :

Case or Diary No.

If post copy of telegram required

Date of despatch of above

List of enclosures

(Code word for telegrams.)

To

The Collector and Provincial
Rationing Authority,
C.& M.Station, Bangalore.

Subject:- Tyre Rationing - powers to the Commr. of Police & Area Rationing Authority, C & M Station, Bangalore, to inspect all transport tyres

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Sir,

I am directed to refer to the correspondence ending with your endt. No.914-P-43, dated the 22nd April 1943,

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and to request that the final decision of the Govt. of Madras in the matter may kindly be obtained and communicated to this Resy. in due course.

I have, etc.,

12/5/43

Secy. to the Resident.

11.5.43.

16/5.43